

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.547 of 2014 (O&M)
Decided on:-10.03.2015.

Sukhbir Singh

.....Petitioner.

Versus

Naresh Kumar and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Present:- Mr. J.S. Dahiya, Advocate
for the petitioner.

Mr. Harkesh Manuja, Advocate
for respondent No.1.

Mr. Ramesh Kumar, AAG, Haryana
for respondent No.2.

Dr. Bharat Bhushan Parsoon, J (Oral)

Defendant Sukhbir Singh (petitioner herein) in a suit for possession seeking specific performance of the contract filed inter alia by plaintiff Naresh Kumar (now respondent) had been proceeded against exparte on 20.12.2010. His application dated 16.01.2013 for setting aside the exparte proceedings against him was dismissed on 24.10.2013. This order is under challenge in this revision petition.

2. By way of present revision petition, challenging the impugned order, it is claimed that neither the petitioner-defendant was ever served in suit nor had any knowledge about pendency of the same. It is also urged that the respondent-plaintiff had taken petitioner-defendant along and had served him liquor under intoxication of which, respondent-plaintiff had got his

thumb impression on some statement but he had never made any conscious statement and thus any such statement made in the Lok Adalat on 13.02.2011, is not binding on him.

3. During the course of arguments counsel for the petitioner has urged that when statement dated 13.02.2011 made in the Lok Adalat was neither volitional nor consciously made by him, it doesn't take affect and exparte proceedings against him should be set aside.

4. Counsel for the respondent-plaintiff on the other hand has urged that proceedings conducted in Lok Adalat have sanctity attached to the same and plea raised by the petitioner that he was served with liquor and thereafter was made to put thumb impression on certain statement by the respondent-plaintiff, is not acceptable.

5. During the course of arguments addressed by the counsel for the parties, paper book has been perused. It is not denied by the petitioner-defendant that after having been proceeded against exparte on 20.12.2010, he had appeared in person in Lok Adalat held in village Kaimla. Vide said statement petitioner-defendant had undertaken to get the sale deed executed and registered in favour of the plaintiff now one of the respondents, by 26.02.2011.

6. The present application for setting aside the exparte proceedings where there is not even a whisper made about such appearance in person and making of statement before the Lok Adalat, thus clearly manifests suppression of true and material facts which have emerged only after reply was filed by the respondent-plaintiff, strongly contesting the application of the petitioner-defendant for setting aside the exparte proceedings.

7. The impugned order is not only well written but has also taken into account all the necessary facts and attending circumstances while

evaluating the rival claims of the parties.

8. The present petition is devoid of any merit; the same is hence dismissed.

(Dr. Bharat Bhushan Parsoon)
Judge

March 10, 2015
prince rana